

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TANAKA BIRDO,

Plaintiff,

v.

GAIL SIMER, *et al.*,

Defendants.

Case No. 05-cv-66-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 35) of Magistrate Judge Donald G. Wilkerson recommending that the Court deny the motion to dismiss filed by defendants Julie Schultz and Gail Simer (Doc. 30).

After reviewing a magistrate judge’s report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 35) and **DENIES** the motion to dismiss (Doc. 30).

IT IS SO ORDERED.

DATED: March 14, 2008

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE